

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

UNITED STATES OF AMERICA,)	CASE NO. 5:05CR056-002
)	
Plaintiff(s),)	
)	
)	JUDGE CHRISTOPHER A. BOYKO
)	
vs.)	
)	
RAY WOMACK,)	
)	
Defendant(s).)	
)	ORDER
)	

On March 18, 2005, the Defendant, Ray Womack, entered a plea of guilty before this Court to count one of an indictment charging him in violation of 21 §U.S.C. 846 Conspiracy to Possess With Intent to Distribute and To Distribute Cocaine and Cocaine Base; Possession With Intent to Distribute Cocaine and Cocaine Base. Count four of the indictment was dismissed upon motion by the Government.

The Defendant was sentenced before this Court on June 13, 2005 to the custody of the Bureau of Prisons for a term of 145 months followed by 5 years of supervised release with conditions.

On October 4, 2006, the Government filed a Motion for Reduction of Sentence Pursuant to Rule 35 of the Federal Rules of Criminal Procedure (ECF DKT #43).

In its memorandum, the Government restates the terms of the plea agreement which calls for a 3 level reduction for acceptance of responsibility and a 3 level

reduction for substantial assistance. The plea agreement provided, however, that the reduction for substantial assistance would not take place until the completion of the Defendant's cooperation (Para 15 - Womack Plea Agreement).

As a result of the Defendant's cooperation with the Government, an indictment was returned against individuals charged with Conspiracy to Possess and Distribute 5 Kilograms or More of Cocaine. Over 50 kilograms of cocaine and in excess of one million dollars (\$1,000,000) was seized.

The Government motions the Court to grant its request for a three (3) level reduction for Defendant's substantial assistance as contemplated in the plea agreement. If the Government's motion is granted, the Defendant's adjusted offense level for the Guidelines would be 26 with a Criminal History Category V resulting in an advisory range of 116-137 months. On November 1, 2006, counsel for Defendant, Jeff Jakimdes, notified the Court via telephone that the defense has no objections to the Government's motion and makes no recommendation as to what the amended sentence should be.

The Court has considered the Defendant's substantial assistance to the Government, in addition to the Guideline range and § 3553(a) factors reviewed and discussed in the Defendant's original sentence. The Court incorporates those comments and findings in this Amended Judgment. The Court grants the Government's Motion for a Reduction in Sentence.

It is the Amended Judgment of this Court that the defendant, Ray Womack, is committed to the Bureau of Prisons for a term of 115 months, with credit for time already served in this matter. An Amended Judgment and Commitment shall issue.

IT IS SO ORDERED.

s/Christopher A. Boyko
Christopher A. Boyko
United States District Judge

DATE: November 2, 2006